



"Dedicated to the Conservation of  
Wisconsin's Waterfowl and Wetland Resources"

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REC'D 11/103

WISCONSIN WATERFOWL ASSOCIATION, INC.  
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8-25-2005

U.S. Fish and Wildlife Service  
Upper Mississippi River National Wildlife and Fish Refuge  
CCP Comment: Don Hultman, Manager  
51 East 4th Street  
Room 101  
Winona, Mn 55987

Dear Mr. Hultman,

Please accept these documents as our public comments on the Comprehensive Conservation Plan for the Upper Mississippi National Fish and Wildlife Refuge.

We are opposed to all proposed alternatives, including Alternative D offered as the preferred alternative. Our reasons for opposition follow. In addition we have included some comment regarding methods and or programs that may be used to resolve both USFWS and local concerns.

- We believe that the proposed plan violates both the letter and intent of Wisconsin law. Mississippi River Wildlife and Fish Refuge Act (June 7, 1924); 68th Congress, ch. 346; 16 U.S.C. ss. 721 to 731 authorized the this refuge. Wisconsin did consent to the establishment of this refuge in s. 1.035, Ch. 170, that took effect on May 23, 1925. In s1.035 (2), part of the law allowing the establishment of the refuge, lawmakers expressly stated that waters of the state as well as, those waters that border our state .....**"shall remain common highways for navigation and portaging, and use thereof, as well to the inhabitants of this state as to the citizens of the United States, shall not be denied."** In addition there are several other provisions that describe in detail rights to be retained by the state, including regulating the use and conservation of fish.

- We also believe that the proposals as put forward violate Wisconsin's Constitution, art. IX, s. 1 expressly protects navigability and the waters of the state. Stating; **"The state shall have concurrent jurisdiction on all rivers and lakes bordering on this state.....** Article IX goes on to state referring to these waterways, **"..... shall be common highways and forever free."** Wisconsin's very strong public trust in navigable waters based on Federal ordinance further states that the waters of state shall be open to all citizens of Wisconsin and the United States. Regulation of these waters, remains solely with the state. Our legislature does not have the power to abrogate this trust.



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## HABITAT

-We sympathize with the challenges facing the USFWS. It is clear from all accounts that everyone should be greatly concerned about habitat degradation in the refuge. However we feel that restricting access as a habitat management strategy is a very short term solution.

We are requesting that the USFWS request a formal appropriation of two million dollars to fund private land wetland and upland restorations, enhancements and creations that will protect the Mississippi from additional sedimentation and habitat degradation. These funds should be administered through the Partners For Fish and Wildlife Private Lands Program. These funds must be a special appropriation and not a reassignment of existing budgeted Partners funds.

The USFWS, WDNR and USACOE are responsible for the implementation of very specific habitat practices with the refuge. These include restoration of islands using dredge spoil. The Environmental Management Program is funded. The USFWS and WDNR have both stated that they have many habitat projects "ready to go". However these projects remain undone due to disagreements between agencies. It is a violation of the public trust to allow this to continue. Those entrusted with the restoration and enhancement of the Mississippi River have a responsibility to ensure these practices are undertaken in a timely manner. To this end we are asking that the agencies aggressively renew efforts to resolve differences and construct these projects as rapidly as possible, while funds are still available.

## ECONOMIC AND SOCIAL IMPACTS

Hunting, fishing and trapping are a critical part of Wisconsin's traditions and heritage. In addition these pursuits, based on the most conservative estimates, provide an economic impact in Wisconsin in excess of four *billion* dollars. The future of hunting, fishing and trapping is in jeopardy. For every 100 people that for whatever reason decide to leave these pursuits only 53 take their place. This is and should be of great concern to everyone in the conservation community, including the agencies. One of the primary reasons that people choose not to fish, hunt and trap is lack of opportunity, a place to go. The Upper Mississippi National Wildlife Refuge has provided this opportunity for countless sportsmen and women. Any lost opportunity will only further this problem.



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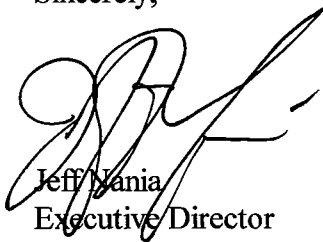
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There are several small businesses located up and down the Mississippi that are dependent on trade with those people that utilize the refuge. Many of these business owners are concerned that specific closures of areas of the refuge will result in financial hardship and likely closure of these long standing businesses. The Service is required in preparation of the CCP to take into account these impacts. We are requesting that the local business community be directly involved in the decision making process when decisions are made that will impact their future.

Our final comment. We recognize that decisions regarding this and other refuges are required to take national opinion into account. However this remains a very local issue. We would request that the USFWS allow for management of the refuge on a pool by pool basis, seeking local comment and substantive input in crafting any document that will impact one of Wisconsin's most treasured resources for the next 15 years.

Thank you for your consideration.

Sincerely,



Jeff Nania  
Executive Director